

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 2022-2049, 2022-2094, 2022-2103

Short Case Caption: Intel Corp., Dell Inc., Cavium, LLC v. Alacritech, Inc.

Filing Party/Entity: Dell Inc.

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
USPTO	IPR2017-01410	Patent

Relief sought on appeal: ☐ None/Not Applicable

Reversal of the Patent Trial and Appeal Board's decision that claims 41-43 of U.S. Patent No. 8,131,880 are not unpatentable.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

Decision that claims 41-43 of U.S. Patent No. 8,131,880 are not unpatentable.

Briefly describe the judgment/order appealed from:

In a final written decision, the Patent Trial and Appeal Board ruled that claims 41-43 of U.S. Patent No. 8,131,880 are not unpatentable.

Nature of judgment (select one):

Date of judgment: 7/20/21

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) _____

☐ Other (explain) _____

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☐ None/Not Applicable

The '880 patent was previously before this Court in Nos. 2019-1467, -1468, where Judge Stoll authored the Court's opinion. A prior art reference in this case was also addressed in connection with another Alacritech patent (U.S. Patent No. 7,124,205) in Nos. 19-1443, -1447, -1449, -1450, where Chief Judge Moore authored the Court's opinion.

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the Patent Trial and Appeal Board incorrectly ruled that claims 41-43 of U.S. Patent No. 8,131,880 are not unpatentable.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
☒ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom?

Antonio ("Tony") Piazza.

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Appellant remains open to discussion, but does not believe mediation would be productive at this time.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

None.

Date: 8/17/22 Signature: /s/ Michael J. Newton
Name: Michael J. Newton